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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,778	07/15/2003	James Pate	02-5976	1134

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LSI LOGIC CORPORATION
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MS: D-106
MILPITAS, CA 95035

EXAMINER

NGUYEN, KIMBERLY D

ART UNIT	PAPER NUMBER
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2876

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/620,778	Applicant(s) PATE, JAMES	
	Examiner Kimberly D. Nguyen	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 27-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 27-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Acknowledgment is made of Pre-Appeal Brief Request for Review filed December 18, 2006.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Muhme (US 5,886,634) in view of Stevens, III (US 6,747,560).

Re claims 1, 5 and 27-28: Stevens, III teaches the method of assembling the package/item (16 in fig. 1) comprising

placing a RF tag (30, 18 in fig. 1) on a item/package (16; col. 3, lines 36-40); and assembling the item/package (16) based on the RF tag (30, 18), wherein the RF tag provides information on an assembly method (e.g., "When the meat is cut, weighed and packaged, the scale conveys the weight to item status data file 28 ... to be stored with the price and weight information..." col. 4, lines 1-15; col. 2, lines 25-30; col. 3, line 12 through col. 4, line 15).

However, Stevens, III does not specifically disclose the item/package 16 is a controller or a drive tray.

Muhme teaches an item 12 having an RFID tag 20 attached thereon, wherein the item 12 includes laptop computers, desktop computers, calculators, portable computer

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media such as magnetic disks, optical disks, backup tapes (col. 2 lines 57+), which are controller or drive tray as set forth in the claim.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the method of package the package as taught by Stevens, III to the teachings of Muhme in order to pack/assembly the item based on the RFID tag.

Re claims 2-4, 7-9 and 29-30: Stevens, III teaches the RF tag (30, 18) is a read-only tag (col. 3, lines 21-23).

Re claim 6: Stevens, III teaches a method for shipping a data storage device, comprising:

reading a RF tag (30, 18) attached on a data storage device (16) to select the data storage device ("RFID readers 14 communicate with RFID label 30 on item 16." col. 2, lines 60-61); and shipping the data storage device to a customer/shopper (col. 3, line 66 through col. 4, line 15).

Re claims 10-11: Stevens, III further teaches removing the data storage device from an inventory based on the RF tag (e.g., item 16, which is tagged as purchased item; col. 3, lines 46-59).

Re claims 12-15: Stevens, III teaches a method for tracking and utilizing a data storage device, comprising:

entering information about a data storage device (16) into a database (28, 38) through reading a RF tag (30, 18) placed on the data storage device (16) when a customer receives the data storage device from a manufacturer; and

storing the data storage device (16) in an inventory based on the RF tag (30, 18), wherein the RF tag contains hardware and software configuration information about the data storage device (e.g., the meat is cut, weighed, and packaged... col. 3, line 66 through col. 4, line 15; col. 3, lines 12-59).

Re claims 16-17: Stevens, III further teaches communicating location of the data storage device (16) to the manufacturer via global position system and the RF tag (col. 1, lines 29-45; col. 3, line 66 through col. 4, line 15).

Re claims 31-32: Stevens, III further teaches a remote monitoring system (14) communicatively coupled to the RF tag (30, 18), wherein the information about the data storage device is communicated to a manufacturer (e.g., 12 in fig. 2) via the remote monitoring system (14; col. 3, line 43 through col. 4, line 15).

Response to Arguments

Applicant's arguments, see page 1+, filed 18 December 2006, with respect to the rejection(s) of claim(s) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Stevens, III and Muhme as set forth above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 571-272-2402. The examiner can normally be reached on 8 - 5.

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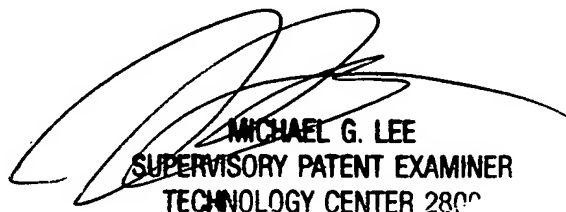
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kimberly D Nguyen
Primary Examiner
Art Unit 2876



February 5, 2007



MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800